

Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number  Timothy Carl Aires, Esq. (138169) AIRES LAW FIRM 180 Newport Center Drive, Suite 260 Newport Beach, CA 92660 (949) 718-2020 FAX (949) 718-2021  <i>Attorney for Plaintiff</i>	<b>FOR COURT USE ONLY</b>
<p align="center"><b>UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA</b></p>	
<b>AT&amp;T CORPORATION,</b>  VS. <span style="float: right;"><i>Plaintiff(s),</i></span>  <b>DATAWAY INC. and dba DATAWAY DESIGNS</b>  <span style="float: right;"><i>Defendant(s).</i></span>	CASE NUMBER: <b>C07-02440 SC</b>
	(No Hearing Required)

### REQUEST FOR ENTRY OF DEFAULT

TO THE DEFENDANT, DEFENDANT'S ATTORNEY AND OTHER INTERESTED PARTIES:

1. Name of Defendant against whom default is sought (Name): **DATAWAY INC. and dba DATAWAY DESIGNS**
2. Plaintiff filed the Complaint in the above-captioned proceeding on (specify date): **MAY 7, 2007**
3. The Summons and Complaint were served on Defendant by ☒ Personal Service ☐ Mail Service on the following date (specify date):
4. A conformed copy of the completed Return of Summons form is attached hereto.
5. The time for filing an Answer or other response expired on (specify date): **JULY 30, 2007**
6. No Answer or other response has been filed or served by Defendant.
7. No defendant named in this request is in the military service so as to be entitled to the benefits of the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.).

WHEREFORE, Plaintiff requests that the Clerk of the Court enter the default of Defendant.

Dated: **AUGUST 2, 2007**

Respectfully submitted,

Default entered on (specify date):

**RICHARD W. WIEKING  
Clerk of the Court**

By: \_\_\_\_\_  
*Deputy Clerk*

**AIRES LAW FIRM**

Firm Name

By: \_\_\_\_\_

**TIMOTHY CARL AIRES, ESQ**

Attorney for Plaintiff

AT&T CORPORATION vs DATAWAY INC. and dba DATAWAY DESIGNS

CASE NUMBER: **C07-02440 SC**

**PROOF OF SERVICE BY MAIL**

STATE OF CALIFORNIA COUNTY OF ORANGE

I am employed in the above County, State of California. I am over the age of 18 and not a party to the within action. My business address is as follows:

Timothy Carl Aires, Esq  
Aires Law Firm  
180 Newport Center Drive, Suite 260  
Newport Beach, CA 92660

On AUGUST 2, 2007, I served the foregoing document described as: **REQUEST FOR ENTRY OF DEFAULT** on the interested parties at their last known address in this action by placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Mail at **NEWPORT BEACH**, California, addressed as follows:

**DATAWAY INC. AND DBA DATAWAY DESIGN  
BY SIMON LEWIS, REGISTERED AGENT OF PROCESS  
180 REDWOOD STREET  
SUITE 300  
SAN FRANCISCO, CA 94102**

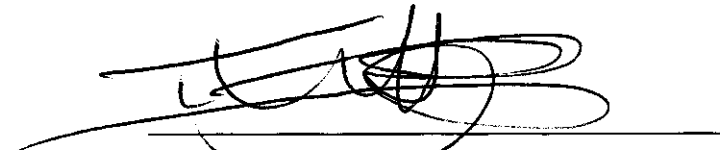
☐ Addresses continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: **AUGUST 2, 2007**

Timothy Carl Aires, Esq.

Type Name

  
Signature

Attorney or Party without Attorney: <b>Law Offices Of AIRES LAW FIRM</b> <b>180 NEWPORT CENTER DRIVE</b> <b>STE 260</b> <b>NEWPORT BEACH, CA 92660</b>		Telephone No.: <b>(949) 718-2020</b>		For Court Use Only	
Attorney for: <b>Plaintiff</b>		Ref. No. or File No.:			
Insert name of Court, and Judicial District and Branch Court: <b>NORTHERN DISTRICT OF CALIFORNIA</b>					
Plaintiff: <b>AT&amp;T CORPORATION; ET AL.</b> Defendant: <b>DATAWAY INC.; ET AL.</b>					
<b>PROOF OF SERVICE</b> <b>(Summons)</b>		Hearing Date:	Time:	Dept/Div	Case Number: <b>C07-02440 SC</b>

1. At the time of service I was at least 18 Years of age and not a party to this action.
2. I served copies of the:  
 Summons; Order Of Recusal; Notice Of Availability Of Magistrate Judge To Exercise Jurisdiction; Civil Case Cover Sheet ; Ecf Registration Information Handout; Order Setting Initial Case Management Conference And Adr Deadlines; Contents Of Joint Cms; Certification As To Interested Parties; Demand For Jury Trial
3. a. Party Served: **DATAWAY INC. AND DBA DATAWAY DESIGNS (Defendant)**  
 b. Person Served: **SIMON LEWIS, REGISTERED AGENT OF PROCESS**
4. Address where the party was served: **180 REDWOOD STREET**  
**STE 300**  
**SAN FRANCISCO, CA 94102**
5. I served the party:
  - a. **by personal service** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Tue, Jul. 10, 2007 (2) at: 5:30PM
6. The "Notice to the Person Served" (on the Summons) was completed as follows:
  - c. on behalf of: **DATAWAY INC. AND DBA DATAWAY DESIGNS**  
**Under CCP 416.10 (corporation)**
7. Person who served the papers:
  - a. **JOHNNY COLLINS**
  - b. **WAKEMAN PROCESS SERVICE INC.**  
**22283 Main Street**  
**Hayward, CA 94541**  
**c. (510) 886-7667**
  - d. **The Fee for service was: \$85.00**
  - e. I am: (3) Registered California process server.
    - (i) **Independent Contractor**
    - (ii) **Registration No.: 361**
    - (iii) **County: SAN MATEO**
    - (iv) **Expiration: May. 15, 2009**

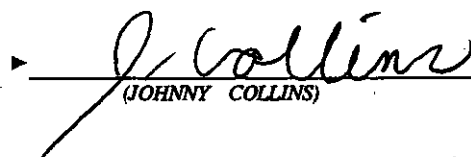
8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Jul. 12, 2007

Judicial Council Form POS-010

Rule 982.9. (a) & (b) Rev Jan. 01, 2007

**PROOF OF SERVICE**  
**AMENDED**

  
 (JOHNNY COLLINS)

AIRES.517034